

REMARKS

Specification

The disclosure stands objected to because of certain formalities. The objection is respectfully traversed.

Specifically, the Office action notes that the sentence at page 5, lines 9-10, "[t]he is another problem encountered when two sets of retractor arms are used," does not make sense.

To correct this type, the first word "The" has been changed to "There."

Claim Objections

Claims 15-18 stand objected to because of certain formalities. The objection is respectfully traversed.

Specifically, the Office action notes that claims 15-18 are addressed to a kit, but depend from claim 13, which is not a kit, with appropriate correction being required.

The Office action states that for examination purposes, claims 15-18 will be treated as depending from claim 14.

It is noted by applicant that the approach taken in the Office action is correct, as

claims 15-18 should depend from claim 14. Accordingly, claims 15-18 have been amended to be dependent on claim 14.

Claim Rejection Under 35 U.S.C. § 102

Claims 1, 3-6, 8-15, 17-19, and 21-26 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,728,046 to Mayer et al. (hereinafter "Mayer"). The rejection is respectfully traversed.

Independent Claims 1, 14 and 19 (and their dependent claims)

In response, independent claims 1, 14, and 19, distinguish Mayer at least by the required retractor blade having a "second surface for abutting against bone" and an "anchor guide portion for receiving an anchor after the second surface is abutted against bone."

This distinction can best be seen by reference to applicant's FIG. 1, and Mayer's FIG. 1. Notice that with Mayer's device, bone screw 36 must first be positioned into bone with retractor body 32 then placed on top of screw 36 prior to retractor body 32 abutting against bone. In contrast, with applicant's claimed device, blade 100 is first abutted against bone, with anchor guide 103 able to receive anchor 601 thereafter.

Claims 3-5, 15, 17, 18, and 21-25, all dependent upon their respective independent

claims 1, 14 and 19, all distinguish Mayer at least for the same reasons as claims 1, 14 and 19.

Independent Claims 6 and 26 (and their dependent claims)

Independent claims 6 and 26, both distinguish Mayer at least by requiring that "retractor blade" (having the anchor guide) first be positioned into the surgical incision/wound prior to anchoring the retractor blade. Specifically, in claim 6, anchoring step (F) follows positioning step (B), and in claim 26, anchoring step (e) follows positioning step (a).

Additionally, independent claims 6 and 26, both distinguish Mayer at least by requiring that the surgical incision/wound first be retracted prior to anchoring the retractor blade. Specifically, in claim 6, anchoring step (F) follows retracting (E), and in claim 26, anchoring step (e) follows retracting step (b).

From Mayer's FIGs. and specification (at col. 3, lines 43 to col. 4, lines 6), it is clear that Mayer teaches first inserting the anchors into bone, then positioning his retractor over the anchors, followed by retraction.

Claims 8-13, all dependent upon their respective independent claim 6, all distinguish Mayer at least for the same reasons as claim 6.

Claim Rejection Under 35 U.S.C. § 103

Claims 2, 7, 16 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mayer in view of U.S. Patent No. 6,302,842 to Auerbach et al. (hereinafter Auerbach). The rejection is respectfully traversed.

Mayer is cited by the Office action as disclosing the claimed invention except for the slip resistant surface, for which Auerbach is cited.

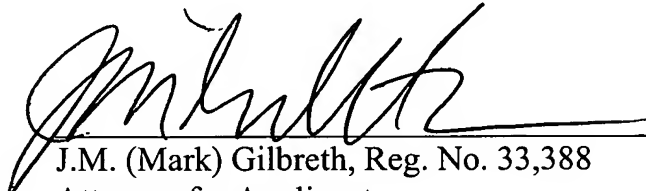
Claims 2, 7, 16 and 20 are patentable over Mayer in view of Auerbach for the same reasons stated above which are incorporated herein.

In view of the above Amendments and Remarks, prompt allowance of all pending claims is respectfully requested.

If it would be of assistance in resolving any issues in this application, the Examiner is kindly invited to contact applicant's attorney J. M. (Mark) Gilbreth or applicant's agent Mary Gilbreth, at (713) 667-1200.

Respectfully submitted,

Date: September 30, 2003


J.M. (Mark) Gilbreth, Reg. No. 33,388
Attorney for Applicant

CORRESPONDENCE ADDRESS:

GILBRETH & ASSOCIATES, P.C.
P.O. Box 2428
BELLAIRE, TX 77402-2428
PH. 713/667-1200
FAX. 713/667-4424